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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,391	03/01/2002	Daniel M. Fischer	555255012322	6296
7590 12/07/2004			EXAMINER	
F. Drexel Feeling, Esq. Jones, Day, Reavis & Pogue North Point, 901 Lakeside Avenue Cleveland, OH 44114			VU, BAO Q	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/087,391		FISCHER ET AL.	
	Examiner		Art Unit	
	Bao Q. Vu		2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-14, 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-13-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-14, and 16-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gabehart et al. (USB 6,130,518). Gabehart (see figure 3) a processing device (228), a rechargeable battery (210), and a charging subsystem/ soft disconnect switch (216), a USB controller (324), and a USB connector (202).

Allowable Subject Matter

3. Claims 26-29 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art alone or in combination discloses a power allotment device controlling a maximum amount of power that the charging sub-system can draw from the USB host device and means for determining if the power allotment received from the USB host device is less than a requested value, and if the power allotment is less than the requested value then resetting a USB connection between the mobile communication device and the USB host device in order to receive a new power allotment from the USB host device.

Response to Arguments

5. Applicant's arguments filed 9-13-04 have been fully considered but they are not persuasive. In response to applicant's argument that Gabehart does not disclose " a soft disconnect switch, nor does it discloses any operation to establish a USB charge configuration". Examiner contends that this feature is inherent to this charging device in the prior art. Figure 3 clearly shows this feature a switch device- "a soft-disconnect switch (216) coupled between the USB interface (218) (see figure 2) and the processing device (228), wherein the soft-disconnect switch is opened and closed by the processing device in order to establish a USB charge configuration for the charging subsystem." The charge configuration can interpreted as if the battery is being charged from an internal source or an external source and clearly the switch is being opened and closed. Clearly a charge parameter/ charge configuration is established between the (324) power management device, the rechargeable battery (210) and the processor (228). How else would the power management device and processor charge the battery? What purpose does the power management device and the processor serve? Other than to establish a charge configuration between the battery, processor and power management device.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Vu whose telephone number is (571) 272-2088. The examiner can normally be reached on Monday-Fridays, 8:00AM- 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Sherry can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bao Q. Vu
Primary Examiner
Art Unit 2838

November 30, 2004